



General Assembly

January Session, 2009

***Amendment***

LCO No. 8595

**\*SB0054708595SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

To: Subst. Senate Bill No. 547

File No. 242

Cal. No. 229

***"AN ACT AUTHORIZING THE ACQUISITION OF ABANDONED CEMETERIES BY MUNICIPALITIES."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this  
4 section, "abandoned cemetery" means a cemetery (1) in which no  
5 burial has occurred during the previous forty years and in which the  
6 lots or graves have not been maintained during the previous ten years  
7 except for maintenance rendered by the municipality in which such  
8 cemetery is located, (2) in which one burial has occurred in the past  
9 forty years, a permit was issued under section 7-65 of the general  
10 statutes after such burial and there is one surviving owner of the  
11 family plot, or (3) in which no lots have been sold in the previous forty  
12 years and in which the lots and gravestones have been maintained  
13 during the previous ten years except for maintenance rendered by the  
14 municipality in which such cemetery is located.

15 (b) Any municipality may acquire an abandoned cemetery,  
16 including ownership of any unoccupied lots or grave sites in such  
17 cemetery. Such municipality may cause a survey of such cemetery to  
18 be completed in order to ascertain the extent of such cemetery. The  
19 municipality shall use due diligence in identifying any owners of the  
20 abandoned cemetery or any of the cemetery's unoccupied lots or grave  
21 sites and shall provide notice to such owners of the municipality's  
22 intention to acquire the abandoned cemetery. In the event that a  
23 municipality is unable to locate such an owner, the municipality shall  
24 publish notice of its intention to acquire the abandoned cemetery in a  
25 newspaper having a general circulation in such municipality. Such  
26 notice shall be published for a period of three successive weeks.

27 (c) The notice described in subsection (b) of this section shall give a  
28 basic description of the abandoned cemetery, by reference to the  
29 municipality's tax maps, and shall set a date and place where  
30 objections to the acquisition of the cemetery by the municipality will be  
31 heard.

32 (d) Any owner who receives notice pursuant to subsection (b) of this  
33 section may reassert his or her right of ownership over the abandoned  
34 cemetery, unoccupied lot or grave site, as applicable, by sending  
35 written notice of his or her objection to the municipality not later than  
36 fourteen days after his or her receipt of notice pursuant to subsection  
37 (b) of this section. Any owner who reasserts his or her rights pursuant  
38 to this subsection shall promptly comply with all municipal ordinances  
39 concerning such abandoned cemetery, unoccupied lot or grave site.

40 (e) In the event that no objection is received by the municipality  
41 pursuant to subsection (d) of this section not later than fifteen days  
42 after the last date of publication of the notice described in subsections  
43 (b) and (c) of this section, title to such abandoned cemetery and any  
44 unoccupied lots or graves shall vest in such municipality. Whenever  
45 title vests in a municipality pursuant to this subsection, such  
46 municipality shall record a confirmation of such vesting, including a  
47 basic description of the cemetery, on the land records of the

48 municipality in which such cemetery is located.

49 (f) If title to an abandoned cemetery vests with a municipality  
50 pursuant to subsection (e) of this section, such municipality shall  
51 maintain title to such cemetery, shall not transfer title to such  
52 cemetery, and shall maintain the characteristics of such cemetery and  
53 make no changes in the use of such cemetery land. The municipality  
54 may adopt bylaws and appoint a superintendent or sexton for such  
55 cemetery pursuant to section 19a-297 of the general statutes and may  
56 appropriate funds as necessary for the care, maintenance and support  
57 of such cemetery."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section